

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:13-cv-00144-MR-DLH**

JUDSON REIMER LEGON,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER OF REMAND</u>
)	
CAROLYN W. COLVIN, Acting)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the Defendant's Assented to Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Case to the Defendant [Doc. 15].

Sentence four of 42 U.S.C. § 405(g) provides, in pertinent part, that "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Defendant here has moved for reversal of her decision and for remand of this case for further administrative proceedings, and the Plaintiff assents to the motion.

The Court finds that remand is appropriate. See Melkonyan v. Sullivan, 501 U.S. 89 (1991). Upon remand to the Commissioner, the Appeals Council shall instruct the Administrative Law Judge to: (i) offer the Plaintiff an opportunity for a new hearing; (ii) consider the opinion of William J. Simmons, M.D., dated February 15, 2012; (iii) reevaluate the Plaintiff's mental impairments in accordance with the special techniques; (iv) further consider the Plaintiff's residual functional capacity; (v) further evaluate the Plaintiff's subjective complaints; (vi) obtain testimony from a vocational expert; (vii) take any further action needed to complete the administrative record; and (viii) issue a new decision.

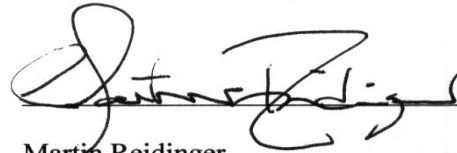
IT IS, THEREFORE, ORDERED that the Defendant's Assented to Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Case to the Defendant [Doc. 15] is **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and this case is hereby **REMANDED** for further administrative proceedings, consistent with this Order.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith, thereby closing the case.

IT IS SO ORDERED.

Signed: January 8, 2014


Martin Reidinger
United States District Judge

